

**HOWREY & SIMON**



*Sector #*  
Attorneys at Law  
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Washington, DC 20004-2402  
(202) 783-0800  
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June 16, 1999

Assistant Commissioner for Patents  
Washington, DC 20231

**Attention: Box Missing Parts**

Re: U.S. Utility Application No. 09/237,183  
Filed: January 26, 1999  
For: Nucleic Acid Molecules and Other Molecules  
Associated with the Sucrose Pathway  
Inventors: Nordine CHEIKH *et al.*  
Atty. Docket: 04983.0015.US01/38-21(15089)B

Sir:


Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Petition for Extension of Time under 37 C.F.R. § 1.136 (in duplicate);
2. Response to Notice to File Missing Parts of Application (in duplicate);
3. Copy of Notice to File Missing Parts of Application – Filing Date Granted;
4. Copy of transmittal letter to Assistant Commissioner for Patents filed January 26, 1999;
5. Marked-up copy of Filing Receipt showing corrections;
6. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Nordine Cheikh (7 pages);
7. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Dane K. Fisher (7 pages);
8. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Jingdong Liu (7 pages);
9. Second Supplemental Information Disclosure Statement;
10. Form PTO-1449 (3 pages), with 8 accompanying documents;
11. Howrey & Simon Check No. 311787 in the amount of \$1,000.00 to cover the basic filing fee, the surcharge for late filing of the Declaration, and the fee for a 1-month extension of time; and
12. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

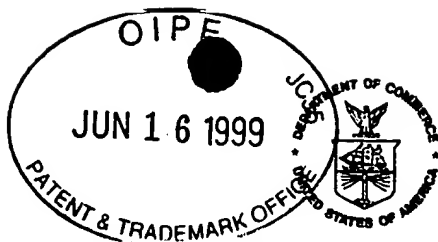
Sincerely,

A handwritten signature in cursive script, appearing to read "D. R. Marsh".

David R. Marsh (Reg. No. 41,408)

Enclosures

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/237,183	01/26/99	1649	\$0.00		0	6	3

DAVID R MARSH  
HOWREY & SIMON  
BOX NO 34  
1299 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

NORDINE CHEIKH; DANE K FISHER; JINGDONG LIU.

CONTINUING DATA AS CLAIMED BY APPLICANT-

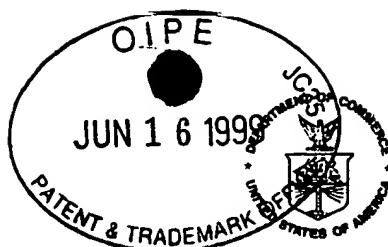
PROVISIONAL APPLICATION NO. 60/067,000 11/24/97  
 PROVISIONAL APPLICATION NO. 60/069,472 12/09/97  
 PROVISIONAL APPLICATION NO. 60/074,201 02/10/98  
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 PROVISIONAL APPLICATION NO. 60/086,185 05/21/98

PROVISIONAL  
APPLICATION  
NO. 60/072,888  
01/27/98

PROVISIONAL  
APPLICATION NO.  
[ATTY. DKT. NO.  
38-21(15348)A]  
04/29/98

PROVISIONAL  
APPLICATION NO.  
[ATTY. DKT. NO.  
38-21(15365)A]  
04/30/98

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

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PAGE 2

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Applicant(s)

PROVISIONAL APPLICATION NO. 60/086,184 05/21/98  
PROVISIONAL APPLICATION NO. 60/086,183 05/21/98  
PROVISIONAL APPLICATION NO. 60/086,188 05/21/98  
PROVISIONAL APPLICATION NO. 60/087,422 06/01/98  
PROVISIONAL APPLICATION NO. 60/089,524 06/16/98  
PROVISIONAL APPLICATION NO. 60/089,810 06/18/98  
PROVISIONAL APPLICATION NO. 60/089,793 06/18/98  
PROVISIONAL APPLICATION NO. 60/090,170 06/22/98  
PROVISIONAL APPLICATION NO. 60/090,928 06/26/98  
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PROVISIONAL APPLICATION NO. 60/113,224 12/22/98

PROVISIONAL  
APPLICATION  
NO. 60/089,814  
06/18/98

PROVISIONAL  
APPLICATION  
NO. 60/104,126  
10/13/98

FILING RECEIPT

OIPE  
JUN 16 1999

JC35



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

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Applicant(s)

APPLICATION NO. 09/199,129 11/24/98  
~~PROVISIONAL~~ APPLICATION NO. 09/210,297 12/08/98  
APPLICATION NO. 09/229,413 01/12/99

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 03/16/99

TITLE

NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH THE  
SUCROSE PATHWAY ~~CROSS REFERENCE TO RELATED APPLICATION~~

PRELIMINARY CLASS: 800

DATA ENTRY BY: BLIZZARD, SHARON .L TEAM: 01 DATE: 03/16/99

(see reverse)



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

FILE COPY

CONFIRMATION NO. 9529



Bib Data Sheet

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/237,183	01/26/1999 RULE	536	1631	16517.228

## APPLICANTS

NORDINE CHEIKH, MANCHESTER, MO;  
DANE K FISHER, O'FALLON, MO;  
JINGDONG LIU, BALLWIN, MO;

## \*\* CONTINUING DATA \*\*\*\*\*

THIS APPLN CLAIMS BENEFIT OF 60/067,000 11/24/1997  
AND CLAIMS BENEFIT OF 60/069,472 12/09/1997  
AND CLAIMS BENEFIT OF 60/072,888 01/27/1998  
AND CLAIMS BENEFIT OF 60/074,201 02/10/1998  
AND CLAIMS BENEFIT OF 60/074,282 02/10/1998  
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 AND CLAIMS BENEFIT OF 60/092,036 07/08/1998  
 AND CLAIMS BENEFIT OF 60/099,667 09/09/1998  
 AND CLAIMS BENEFIT OF 60/099,670 09/09/1998

(\*)Data provided by applicant is not consistent with PTO records.

THIS APPLICATION 09/237,183

CLAIMS BENEFIT OF 60/099,697 09/09/1998

AND CLAIMS BENEFIT OF 60/100,674 09/16/1998

AND CLAIMS BENEFIT OF 60/100,673 09/16/1998

AND CLAIMS BENEFIT OF 60/100,672 09/16/1998

AND CLAIMS BENEFIT OF 60/101,131 09/21/1998

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AND CLAIMS BENEFIT OF 60/109,018 11/19/1998 \*

AND CLAIMS BENEFIT OF 60/108,996 11/18/1998

AND IS A CIP OF 09/210,297 12/08/1998 ABN

AND CLAIMS BENEFIT OF 60/111,981 12/11/1998

AND CLAIMS BENEFIT OF 60/113,224 12/22/1998

AND IS A CIP OF 09/199,129 11/24/1998

AND IS A CIP OF 09/229,413 01/12/1999 ABN

(\*)Data provided by applicant is not consistent with PTO records.

**\*\* FOREIGN APPLICATIONS \*\*\*\*\***

**IF REQUIRED, FOREIGN FILING LICENSE GRANTED**

\*\* 03/16/1999

Foreign Priority claimed 35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance	STATE OR COUNTRY MO	SHEETS DRAWING	TOTAL CLAIMS 6	INDEPENDENT CLAIMS 3
Verified and Acknowledged	Examiner's Signature _____ Initials _____				

**ADDRESS**

28381

**TITLE**

NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH THE SUCROSE PATHWAY

<b>FILING FEE</b>	FEES: Authority has been given in Paper	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of

<b>RECEIVED</b> 890	No. _____ to charge/credit DEPOSIT ACCOUNT	time )
	No. _____ for following:	<input type="checkbox"/> 1.18 Fees ( Issue )
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit _____



**HOWREY & SIMON**

Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

January 26, 1999



**COPY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

***Box Patent Application***

Re: U.S. Non-Provisional Utility Patent Application  
Application No.: To Be Assigned  
Filed: Herewith  
For: **Nucleic Acid Molecules and Other Molecules  
Associated with the Sucrose Pathway**  
Inventors: Nordine Cheikh, Dane K. Fisher and Jingdong Liu  
Ref. No.: 04983.0015.US01/38-21 (15089)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. U.S. Utility Patent Application entitled:

**Nucleic Acid Molecules and Other Molecules Associated with the Sucrose Pathway**

and naming as inventors:

**Nordine Cheikh, Dane K. Fisher and Jingdong Liu**

the application consisting of:

- a. A specification containing:
  - (i) 307 pages of a description prior to the claims;
  - (ii) 984 pages of a sequence listing;
  - (iii) 4 pages of claims (6 claims);
  - (iv) a one (1) page abstract;
3. A computer readable disk copy of the sequence listing;

COPY

4. Statement Regarding Sequence Submission;
5. Information Disclosure Statement;
6. Form PTO-1449 (22 pages) with 65 accompanying documents; and
7. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

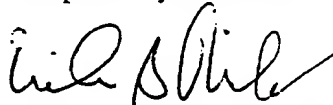
This application claims priority under 35 U.S.C §119(e) and/or 35 U.S.C §120 of applications No. 60/067,000 filed November 24, 1997; No. 60/069,472 filed December 9, 1997; No. 60/072,888 filed January 27, 1998; No. 60/074,201 filed February 10, 1998; No. 60/074,282 filed February 10, 1998; No. 60/074,280 filed February 10, 1998; No. 60/074,281 filed February 10, 1998; No. 60/074,566 filed February 12, 1998; No. 60/074,567 filed February 12, 1998; No. 60/074,565 filed February 12, 1998; No. 60/075,462 filed February 19, 1998; No. 60/074,789 filed February 19, 1998; No. 60/075,459 filed February 19, 1998; No. 60/075,461 filed February 19, 1998; No. 60/075,464 filed February 19, 1998; No. 60/075,460 filed February 19, 1998; No. 60/075,463 filed February 19, 1998; No. 60/076,912 filed March 6, 1998; No. 60/077,231 filed March 9, 1998; No. 60/077,229 filed March 9, 1998; No. 60/077,230 filed March 9, 1998; No. 60/078,368 filed March 18, 1998; No. 60/080,844 filed April 7, 1998; No. 60/083,067 filed April 27, 1998, "Nucleic Acid Molecules and Other Molecules Associated with Plants.(soymon016)" docket No. 38-21(15348)A filed April 29, 1998; No. 60/083,387 filed April 29, 1998; No. 60/083,388 filed April 29, 1998; No. 60/083,389 filed April 29, 1998, "Nucleic Acid Molecules and Other Molecules Associated with the Phosphogluconate Pathway." docket No. 38-21(15365)A filed April 30, 1998; No. 60/085,224 filed May 13, 1998; No. 60/085,223 filed May 13, 1998; No. 60/085,222 filed May 13, 1998; No. 60/086,186 filed May 21, 1998; No. 60/086,187 filed May 21, 1998; No. 60/086,185 filed May 21, 1998; No. 60/086,184 filed May 21, 1998; No. 60/086,183 filed May 21, 1998; No. 60/086,188 filed May 21, 1998; No. 60/087,422 filed June 1, 1998; No. 60/089,524 filed June 16, 1998; No. 60/089,810 filed June 18, 1998; No. 60/089,814 filed June 18, 1998; No. 60/089,793 filed June 18, 1998; No. 60/090,170 filed June 22, 1998; No. 60/090,928 filed June 26, 1998; No. 60/091,035 filed June 29, 1998; No. 60/091,405 filed June 30, 1998; No. 60/092,036 filed July 8, 1998; No. 60/099,667 filed September 9, 1998; No. 60/099,670 filed September 9, 1998; No. 60/099,697 filed September 9, 1998; No. 60/100,674 filed September 16, 1998; No. 60/100,673 filed September 16, 1998; No. 60/100,672 filed September 16, 1998; No. 60/101,131 filed September 21, 1998; No. 60/101,132 filed September 21, 1998; No. 60/101,130 filed September 21, 1998; No. 60/101,508 filed September 22, 1998; No. 60/101,344 filed September 22, 1998; No. 60/101,347 filed September 22, 1998; No. 60/101,343 filed September 22, 1998; No. 60/101,707 filed September 25, 1998; No. 60/104,126 filed October 13, 1998; No. 60/104,128 filed October 13, 1998; No. 60/104,127 filed October 13, 1998; No. 60/104,124 filed October 13, 1998; No. 60/104,123 filed October 13, 1998; No. 60/109,018 filed November 18, 1998; No. 60/108,996

**COPY**

filed November 18, 1998, "Nucleic Acid Molecules and Other Molecules Associated With Plants" docket No. 38-21(15075)B filed November 24, 1998; No. 09/210,297 filed December 8, 1998, "Nucleic acid Molecules and other Molecules associated with Plants" docket No. 38-21(15668)A filed December 11, 1998; No. 60/113,224 filed December 22, 1998 and "Nucleic Acid Molecules and Other Molecules Associated with Transcription in Plants" docket No. 38-21(15300)B filed January 12, 1999.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Erik B. Milch (Reg. No. 42,887)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nordine CHEIKH *et al.*

Appln. No.: 09/237,183

Filed: January 26, 1999

For: Nucleic Acid Molecules and Other Molecules  
Associated with the Sucrose Pathway



Art Unit: 1649

Examiner: To Be Assigned

Atty. Docket: 04983.0015.US01/  
38-21(15089)B

**Response to Notice to File Missing Parts of Application**

Box Missing Parts

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted dated March 17, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
2. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Nordine Cheikh;
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Dane K. Fisher;
4. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Jingdong Liu;
5. Return postcard; and
6. Howrey & Simon Check No. 311787 for \$1,000.00 to cover:
  - \$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);
  - \$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16); and
  - \$ 110.00 for Extension of Time fees under 37 C.F.R. § 1.136.

It is noted that the Filing Receipt dated March 16, 1999, contains errors made by the U.S. Patent and Trademark Office. Specifically, the following errors are noted:

1. The following prior provisional applications were omitted from the “Continuing Data as Claimed by Applicant”:

PROVISIONAL APPLICATION NO. 60/072,888 01/27/98

PROVISIONAL APPLICATION NO. [ATTY. DKT. NO. 38-21(15348)A] 04/29/98

PROVISIONAL APPLICATION NO. [ATTY. DKT. NO. 38-21(15365)A] 04/30/98

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PROVISIONAL APPLICATION NO. 60/109,018 11/18/98

PROVISIONAL APPLICATION NO. 60/113,224 12/22/98

2. Utility Application No. 09/210,297 filed December 8, 1998, was incorrectly identified as a provisional application in the Filing Receipt.

3. The following two utility applications were incorrectly omitted from the "Continuing Data as Claimed by Applicant":

APPLICATION NO. 09/199,129 11/24/98

APPLICATION NO. 09/229,413 01/12/99

4. The title of the application should read:

NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH THE  
SUCROSE PATHWAY

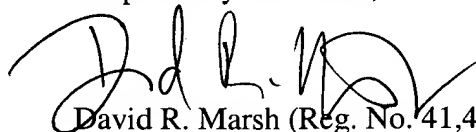
The applications listed in items 1 and 3 above were indicated in the transmittal letter filed with the application on January 26, 1999 (copy enclosed), and are also listed on the enclosed executed Combined Declaration and Power of Attorney for Patent Application. At the time of filing the present application, the serial numbers for the applications listed in item 3 were not known; therefore, they were identified in the transmittal letter by their attorney docket number, title, and filing date.

It is recognized that a new Filing Receipt will be issued upon receipt of the executed Declaration, and it is respectfully requested that the above-noted errors not be perpetuated in the new Filing Receipt. A copy of the Filing Receipt, with the corrections marked in red, is enclosed for convenience.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Date: June 16, 1999

HOWREY & SIMON

Box No. 34

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800

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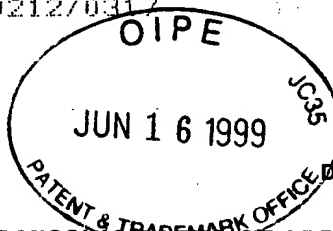
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DAVID R MARSH  
HOWREY & SIMON  
BOX NO 34  
1299 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004

0212/0317



NOT ASSIGNED

1649

03/17/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 870.00

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(r)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (702) 200-1000

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18/1999 CVD/RA/11  
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